## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	) )
Frey et al.	)
Serial No. New Application	) )
Filed Herewith	) ) Attr: Doolest No. 4002 2455/DC401 15
DEVICES AND TECHNIQUES FOR A POSTERIOR LATERAL DISC SPACE APPROACH	) Atty Docket No. 4002-3455/PC401.15 )

## INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents P.O. Box 1450 Alexandria, VA. 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R § 1.56 and 1.98,

Applicant discloses the following references on the attached Information Disclosure

Citation Form.

This information has not been previously submitted in this application by Applicant. Copies of the foreign references and non-patent indicated by an \* are not being provided pursuant to 37 C.F.R. §1.98(d) since they were previously submitted in the parent application, Serial No. 09/694,521, filed October 23, 2000.

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Patricia E. Allgood

The filing of this information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or that any information cited is prior art.

This Statement is being submitted with the filing of the application. Therefore no fees are believed due for its consideration. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 23-3030, but not to include any payment of issue fees.

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		Sheet 1 of 7				George Frey	et al.			
					Filing Date Group Herewith					
				_ U.	S. PAT	ENT DOCUM	IEN'	rs		
*Examine r Initial		DOCUMENT DATE NUMBER		NAME	C	LASS	SUBCLASS	Filing Date If appropriate		
	1	6,436,101	08/2002		Hama	da				
	2	6,319,257	11/2	001	Carig	nan et al.				
	3	6,290,724	9/20	01	Marin	0				
	4	6,261,296	7/20	01	Aebi e	et al.				
	5	6,258,125	7/20	01	Paul e	t al.				
	6	6,245,108	6/20	01	Biscu	p				
	7	6,241,771	6/20	01	Gresse	er et al.				
<del></del>	8	6,224,603	5/20	01 Marir		0				
	9	6,176,882	1/20	01	Biede	rmann et al.				
	10	6,174,311	01/2	001	Branc	h et al.				
	11	6,159,215	12/2	000	Urbah	ns et al.				<del>.</del>
	12	6,149,651	11/2	000	Drewi	y et al.				
	13	6,143,032	11/2	000	Schafe	er et al.				
	14	6,126,664	10/2	000	Troxe	ll et al.				
	15	6,113,639	9/20	00	Ray e	t al.		,		
				FOR	EIGN P	ATENT DOC	UM	ENTS		-
		DOCUMENT NUM	BER	D/	ATE	COUNTRY		CLASS	SUBCLASS	Yes No
	1*	WO 02/17823	<b>A</b> 1	3/2	2002	PCT				1 200 1 210
·	2*	WO 01/70144 A	<b>A</b> 1	9/2	2001	PCT				X
	3*	WO 01/95838	<b>A</b> 1	12/	2001	PCT				
	4* DE 299 01 611 U1 6/1999		999	Germany						
5* WO 97/14378		3	4/1	997	PCT				· .	
Examiner	!			J		Date Consid	lered		<u> </u>	
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				II.	S. PAT	TENT DOCUM	IEN	TS			·
*Examiner Initial		DOCUMENT NUMBER	DAT	DATE		NAME		CLASS	SUBCLASS	Filing Da	
Militar	16	6,110,175	8/2000	)	Schol	1		*	-		
	17	6,102,949	8/2000	)	Biede	rmann et al.				· · · · · · · · · · · · · · · · · · ·	
	18	6,102,930	8/2000	)	Simm	ions, Jr.					
	19	6,086,613	7/2000	)	Cami	no et al.					
	20	6,074,390	6/2000	)	Zuche	erman et al.			•		
	21	5,989,290	11/199	99	Biede	ermann et al.			- "		
	22	5,984,922	11/199	99	McKa	ay					
	23	5,972,031	10/199	10/1999 Meho		ermann et al.					
	24	5,961,522	10/199			lizadeh					
	25	5,951,564	9/1999			der et al.					
	26	5,925,056	7/1999	)	Thom	nas et al.					
	27	5,968,062	10/199	99		nas et al.					
	28	5,893,890	04/199	99		Pisha	rodi				
	29	5,888,224	3/1999	<b>—</b>	Becke	ers et al.					,
	30	5,861,041	1/1999	)	Tienb	oon					
ļ		T				PATENT DOC	UM				
		DOCUMENT NU	MBER	D.A	TE	COUNTRY		CLASS	SUBCLASS	Yes	nslation No
	6*	EP 0 916 32	3 A1	11/	1998	EP				103	X
	7*	FR 2 767 67	5 A1	3/1	999	France					X
	8*	FR 2 736 53	7 A1	1/1	997	France					X
	9*	DE 199 03 76	53 A1	8/2	000	Germany					X
	10* EP 0 333 990 A2 9/1989				989	Europe					X
Examiner						Date Consid					
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*Examiner Initial		DOCUMENT NUMBER	DAT	E		NAME	C	LASS	SUBCLASS	Filing Date If appropri	
	31	5,860,977	1/1999	)	Zuche	rman et al.					
	32	5,860,973	1/1999	)	Miche	elson					
	33	5,857,995	1/1999	)	Thom	as et al.					
	34	5,836,948	11/199	8	Zuche	rman et al.					
-	35	5,776,199	7/1998	3	Miche	elson					
	36	5,772,661	6/1998	3	Miche	elson					
	37	5,766,252	6/1998	3	Henry	et al.					
	38	5,755,732	5/1998	1998 Green		et al.			·		
	39	5,741,261	4/1998	4/1998 Mosko		ovitz et al.			<del></del>	· · · · · · · · · · · · · · · · · · ·	
	40	5,741,253	4/1998	4/1998 Miche		elson					
	41	5,730,754	3/1998	98 Obeno		chain					
	42	5,702,451	12/199	97	Biede	rmann et al.					
	43	5,697,889	12/199	97	Slotm	an et al.					
	44	5,688,284	11/199	97	Cherv	itz et al.					
	45	5,620,458	4/1997	7	Green	et al.					
			]	FORI	EIGN P	ATENT DOC	UM)	ENTS			
		DOCUMENT NU	MBER	DA	ATE	COUNTRY		CLASS	SUBCLASS		nslation
					222					Yes	No
	11*	WO 00/442			000	PCT					X
	12*	WO 99/372			999	PCT					X
	13*	WO 98/563				PCT				. <u>.</u>	
	14*	WO 98/209				PCT					
	15*	WO 97/325	547	9/1	997	PCT					
Examiner						Date Consid	ered				
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conformance	and not	considered. Includ	le copy of	this for	m with n	ext communication	to ap	plicant.			

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*Examiner		DOCUMENT	DAT			NAME		LASS	SUBCLASS	Filing Date			
Initial		NUMBER				- 11 1	ĺ			If appropri			
mitiai	46	5,609,637	3/1997	7	Biede	rmann et al.							
	47	5,609,636	3/1997	7	Kohrs	et al.							
	48	5,609,635	3/1997	7	Miche	elson							
	49	5,607,424	3/1997	7	Tropia	ano							
	50	5,599,279	2/1997	7	Slotm	an et al.				•			
	51	5,586,989	12/199	96	Bray,	Jr.							
	52	5,514,180	5/1996	5	Hegge	eness et al.							
	53	5,439,464	8/1995	5 Shapir		ro							
	54	5,431,658	7/1995	1995 Mosko		ovich							
	55	5,403,317	4/1995	95 Bonut		ti							
-	56	5,397,364	3/1995	Kozak		et al.			1, 11, 11, 11, 11, 11, 11, 11, 11, 11,				
	57	5,395,317	3/1995	5	Kamb	in							
	58	5,344,459	9/1994	ļ	Swart	z							
	59	5,250,061	10/199	93	Miche	elson							
	60	5,217,463	6/1993	}	Mikha	uil							
			]	FORI	EIGN P	ATENT DOC	UMI	ENTS					
		DOCUMENT NU	MBER	DA	ATE	COUNTRY		CLASS	SUBCLASS		nslation		
										Yes	No		
	16*	DE 27 32 32.	5 A1	01/	1979	Germany	ŀ						
	17*	FR 2 808 67	3 A1	11/	2001	France							
	18*	FR 2 736 53	7 A1	A1 01/19		France					•		
	19*	EP 0 613 662	2 A2 09/1994		1994	EPO							
	20*	WO 01/2846	9 A2	04/	2001	PCT							
Examiner						Date Consid	ered						
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INFORMATION DISCLOSURE CITATION						Atty. Docket No. Serial No. 4002-3455/PC401.15 New Application						
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Sheet 1 of 7						George Frey et al.						
						Filing Date Group Herewith						
U.S. PAT						ENT DOCUMENTS						
*Examiner Initial		DOCUMENT NUMBER	DATI	DATE		NAME		LASS	SUBCLASS	Filing Dat If appropr		
	61	5,192,327	3/1993		Branti	igan						
	62	5,163,939	11/1992	2	Winst	on				·		
	63	5,147,402	09/1992	2	Bohle	er et al.						
	64	5,135,528	8/1992		Winst	on						
-	65	5,133,719	7/1992		Winst	on						
	66	5,123,926	6/1992		Pishar	rodi						
	67	5,122,134	6/1992		Borzo	one et al.						
	68	5,026,386	6/1991		Miche	elson						
	69	5,019,081	5/1991		Watanabe							
	70	5,015,247	5/1991		Michelson							
	71	4,955,908	9/1990		Frey e	et al.						
	72	4,917,704	4/1990		Frey e	et al.						
	73	4,904,261	2/1990		Dove	et al.						
	74	4,898,161	2/1990		Grund	lei						
	75	4,878,915	11/1989	9	Branti	igan						
	76	4,877,020	10/1989	9	Vich							
- · · · · · · · · · · · · · · · · · · ·						PATENT DOC	UM					
		DOCUMENT NU	MBER	DA	TE	COUNTRY		CLASS	SUBCLASS	Yes	nslation No	
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				Herewith Group							
				TENT DOCUMEN							
*Examiner Initial		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	Filing Date If appropria				
	77	4,834,757	5/1989	Brantigan							
	78	4,820,305	4/1989	Harms et al.							
	79	4,743,256	3/1988	Brantigan							
	80	4,736,738	4/1988	Lipovsek et al.							
	81	4,714,469	12/1987	Kenna							
	82	4,646,738	3/1987	Trott							
	83	4,573,448	3/1986	Kambin							
	84	4,545,374	10/1985	Jacobson				•			
	85	4,306,550	12/1981	Forte		-					
i	86	3,916,907	11/1975	Peterson		-		·			
	87	3,848,601	11/1974	Ma et al.							
	88	2,876,777	3/1959	Kees Jr.							
	89	US2002/0055781A1	05/2002	Sazy							
	90	US2002/0077700A1	06/2002	Varga et al.							
	91	US2002/0165612A1	11/2002	Gerber et al.							
	92	02/0045904A1	04/2002	Fuss et al.							
				PATENT DOCUM							
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INFOR	MAT	ION DISCLOSURE	Atty. Docket No. Serial No. New Application						
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		Page 7 of 7		<u></u>					
Examiner Initial		PUI	BLICATIONS						
	1*	Horst G. Blume, M.D., Unilateral	PLIF, Unilateral Posterior Lun	nbar Interbody Fu	sion:				
		Simplified Dowel Technique, pp 7	5-84, Clinical Ortopaedics and	Related Research	h; 1984				
	2*	Sofamor Danek The Spine Specia							
		for Anterior Approach, 1996							
			·						
		1,000							
Examiner			Date Considered						
		reference considered, whether or not citation		raw line through citati	on if not in				
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